

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DANAN BERNARDO GABALDON,

Plaintiff,

v.

No. CV 22-0287 DHU/CG

GEO GROUP, et al.,

Defendants.

ORDER GRANTING *IN FORMA PAUPERIS* APPLICATION

This matter is before the Court on Plaintiff Danan Bernardo Gabaldon's *Application for Leave to Proceed In Forma Pauperis*, (Doc. 2), filed April 18, 2022. Mr. Gabaldon's financial information reflects he is unable to prepay the \$402 filing fee for his prisoner civil rights complaint. The Court will therefore grant the Motion, which reduces the fee to \$350, and allow Mr. Gabaldon to pay in installments. See 28 U.S.C. § 1915(b). Mr. Gabaldon must make an initial partial payment of "20 percent of the greater of ...[his] average monthly deposits ... or (B) the average monthly balance" for the six-month period immediately preceding this action. *Id.*

Mr. Gabaldon's average deposits equal \$264.83 and exceed his average monthly balance. See (Doc. 4). The Court will assess an initial payment of \$52.97 (which is 20% of the average deposits) pursuant to § 1915(b)(1)(A). After payment of the initial partial fee, plaintiff is "required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account." 28 U.S.C. § 1915(b)(2). The Court will generally not address the merits of plaintiff's claims unless the initial partial payment is paid or excused. If Mr. Gabaldon fails to timely make the initial partial payment, his complaint may be dismissed without further notice.

IT IS THEREFORE ORDERED that Mr. Gabaldon's *Application for Leave to Proceed In Forma Pauperis*, (Doc. 2), is **GRANTED**.

IT IS FURTHER ORDERED that, by **September 8, 2022**, Mr. Gabaldon shall send to the Clerk an initial partial payment of **\$52.97**.

IT IS FURTHER ORDERED that the Clerk is directed to provide Mr. Gabaldon with two copies of this order, and that Mr. Gabaldon make the necessary arrangements to attach one copy of this order to the check in the amount of the initial partial payment.

IT IS FINALLY ORDERED that, after payment of the initial partial fee, Mr. Gabaldon make monthly payments of twenty percent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE